

House Study Bill 152 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the possession of alcohol by certain minors,
2 and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.47, subsection 4, paragraph c, Code
2 2015, is amended to read as follows:

3 c. If the person who commits a violation of this section
4 is under the age of eighteen, the matter shall be disposed
5 of in the manner provided in chapter 232. However, if the
6 juvenile court waives its jurisdiction over the person pursuant
7 to section 232.45 so that the person may be prosecuted as an
8 adult, or if the person appears in adult court for a violation
9 of this section that occurred prior to having reached the age
10 of eighteen and no transfer of jurisdiction to the juvenile
11 court is ordered pursuant to section 803.5, then the penalty
12 for a violation of this section shall be as set forth in
13 paragraphs "a" and "b".

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the possession of alcohol by certain
18 minors and makes penalties applicable.

19 Current law provides that a person who is 18, 19, or 20
20 years of age, other than a licensee or permittee under the
21 alcoholic beverages laws, who purchases, attempts to purchase,
22 or possesses alcohol commits a simple misdemeanor punishable
23 by a scheduled fine of \$200 for a first offense, a simple
24 misdemeanor punishable by a \$500 fine and a substance abuse
25 evaluation or the suspension of the person's motor vehicle
26 operating privileges for a period not to exceed one year for a
27 second offense, or a simple misdemeanor punishable by a \$500
28 fine and the suspension of the person's motor vehicle operating
29 privileges for a period not to exceed one year for a third or
30 subsequent offense. A person who is under the age of 18 who
31 commits a violation of this law is referred to juvenile court.

32 The bill provides that if the juvenile court waives its
33 jurisdiction over a person who is under the age of 18 pursuant
34 to Code section 232.45 so that the person may be prosecuted
35 as an adult, or if the person appears in adult court for a

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1 violation of this law that occurred before the person turned
2 18 and no transfer of jurisdiction to the juvenile court is
3 ordered pursuant to Code section 803.5, then the penalty for
4 such a violation is the same as for a person who is 18, 19, or
5 20 years of age who violates this law.